

**Executive Summary – Enforcement Matter – Case No. 51944**  
**Millersview-Doole Water Supply Corporation**  
**RN101457786**  
**Docket No. 2016-0286-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Millersview-Doole WSC, 13841 Farm-to-Market Road 1929 East near Millersview, Concho County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** May 6, 2016

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$702

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$702

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - N/A

**Major Source:** Yes

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 51944  
Millersview-Doole Water Supply Corporation  
RN101457786  
Docket No. 2016-0286-PWS-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 14 through December 30, 2015

**Date(s) of NOE(s):** December 30, 2015

***Violation Information***

Failed to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the maximum contaminant level for total trihalomethanes based on the locational running annual average; and
- b. Within 380 days, submit written certification of compliance with a.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Ross Luedtke, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-3157; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** N/A

**Respondent:** Cody Giddens, General Manager, Millersview-Doole Water Supply Corporation, P.O. Box 130, Millersview, Texas 76862-0130

Jimmie Brenek, President, Millersview-Doole Water Supply Corporation, P.O. Box 130, Millersview, Texas 76862-0130

**Respondent's Attorney:** N/A



Policy Revision 4 (April 2014)

## Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

TCEQ

<b>DATES</b>	<b>Assigned</b>	4-Jan-2016	<b>Screening</b>	18-Jan-2016	<b>EPA Due</b>	31-Mar-2016
	<b>PCW</b>	28-Feb-2016				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	Millersview-Doole Water Supply Corporation				
<b>Reg. Ent. Ref. No.</b>	RN101457786				
<b>Facility/Site Region</b>	8-San Angelo	<b>Major/Minor Source</b>	Major		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	51944	<b>No. of Violations</b>	1
<b>Docket No.</b>	2016-0286-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Christopher Bost
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** \$600

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **17.0%** Adjustment **Subtotals 2, 3, & 7** \$102

Notes

Enhancement for three NOV's with same/similar violations and one NOV with dissimilar violations.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** \$0

Notes

The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** \$0

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** \$0

Total EB Amounts \$770  
Estimated Cost of Compliance \$5,000

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** \$702

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **0.0%** Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$702

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** \$702

**DEFERRAL** **0.0%** Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** \$702

Screening Date 18-Jan-2016

Docket No. 2016-0286-PWS-E

PCW

Respondent Millersview-Doole Water Supply Corporation

Policy Revision 4 (April 2014)

Case ID No. 51944

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101457786

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Bost

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 17%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement for three NOVs with same/similar violations and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 17%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 17%

Screening Date 18-Jan-2016

Docket No. 2016-0286-PWS-E

PCW

Respondent Millersview-Doole Water Supply Corporation

Policy Revision 4 (April 2014)

Case ID No. 51944

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101457786

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Bost

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health &amp; Safety Code § 341.0315(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentrations for TTHM for Stage 2 Disinfection Byproducts ("DBP2") Site 1 for the second, third, and fourth quarters of 2015 were 0.107 mg/L, 0.154 mg/L, and 0.202 mg/L, respectively, and for DBP2 Site 2 for the second, third, and fourth quarters of 2015 were 0.096 mg/L, 0.146 mg/L, and 0.188 mg/L, respectively.

Base Penalty \$1,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 30.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Exceeding the MCL for TTHM caused persons served by the Facility to be exposed to significant amounts of contaminants which do not exceed levels that are protective of human health.

Adjustment \$700

\$300

## Violation Events

Number of Violation Events 2

274 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$600

Two annual events are recommended, one for each Site.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$600

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$770

Violation Final Penalty Total \$702

This violation Final Assessed Penalty (adjusted for limits) \$702

# Economic Benefit Worksheet

**Respondent** Millersview-Doole Water Supply Corporation

**Case ID No.** 51944

**Reg. Ent. Reference No.** RN101457786

**Media** Public Water Supply

**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Jun-2015	10-Sep-2017	2.20	\$37	\$733	\$770
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated amount for the Facility to implement an alternative method of disinfection, calculated from the last day of the first quarter of non-compliance to the estimated date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$770



# Compliance History Report

**PUBLISHED** Compliance History Report for CN600679922, RN101457786, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600679922, Millersview-Doole Water Supply Corporation	<b>Classification:</b>	SATISFACTORY	<b>Rating:</b>	6.43
<b>Regulated Entity:</b>	RN101457786, MILLERSVIEW DOOLE WSC	<b>Classification:</b>	NOT APPLICABLE	<b>Rating:</b>	N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A		
<b>CH Group:</b>	14 - Other				
<b>Location:</b>	Located at 13841 Farm-to-Market Road 1929 East near Millersview, Concho County, Texas				
<b>TCEQ Region:</b>	REGION 08 - SAN ANGELO				
<b>ID Number(s):</b>	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0480015 WATER LICENSING LICENSE 0480015				
<b>Compliance History Period:</b>	September 01, 2010 to August 31, 2015	<b>Rating Year:</b>	2015	<b>Rating Date:</b>	09/01/2015
<b>Date Compliance History Report Prepared:</b>	March 25, 2016				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	March 25, 2011 to March 25, 2016				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Christopher Bost		<b>Phone:</b>	(512) 239-4575	

## Site and Owner/Operator History:

- |  |     |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period?       | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO  |
| 3) If <b>YES</b> for #2, who is the current owner/operator?  | N/A |
| 4) If <b>YES</b> for #2, who was/were the prior owner(s)/operator(s)?                              | N/A |
| 5) If <b>YES</b> , when did the change(s) in owner or operator occur?                              | N/A |

## Components (Multimedia) for the Site Are Listed in Sections A - J

### **A. Final Orders, court judgments, and consent decrees:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

N/A

### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	06/15/2015 (1300768)	CN600679922
	Self Report?	NO	Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
Description: TTHM LRAA MCL 2Q2015 - During the second quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.096 mg/L at N of 306 on Old Paint (DBP2-02) and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.107 mg/L at Sample Sta (DBP2-01).

2 Date: 10/16/2015 (1300768) CN600679922  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
Description: TTHM LRAA MCL 3Q2015 - During the third quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.154 mg/L at Sample Sta (DBP2-01) and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.146 mg/L at N of 306 on Old Paint (DBP2-02).

3 Date: 12/09/2015 (1288135) CN600679922  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)  
Description: Failure to maintain a minimum pressure requirement of 35 psi throughout the distribution system under normal operating conditions.

4 Date: 12/15/2015 (1300768) CN600679922  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
Description: TTHM LRAA MCL 4Q2015 - During the fourth quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.202 mg/L at Sample Sta (DBP2-01) and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.188 mg/L at N of 306 on Old Paint (DBP2-02).

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



## Component Appendices

### Appendix A

#### All NOVs Issued During Component Period 3/25/2011 and 3/25/2016

1	Date: 07/29/2011 (922064) CN600679922	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i) 5A THC Chapter 341, SubChapter A 341.0315(c)	
Description:	Failure to meet minimum capacity requirements.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 288, SubChapter B 288.20(a)(1)(D)	
Description:	Failure to provide an adequate Drought Contingency Plan.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.39(j)	
Description:	Failure to notify the TCEQ prior to making a significant change to a public water system.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(L)	
Description:	Failure to meet the minimum criteria for well blow-offs.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(2)	
Description:	Failure to provide a pressure release device for the pressure tank at the new 87 & 503 booster station.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(e)	
Description:	Failure to provide adequate facility security.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)	
Description:	Failure to use accurate testing equipment for monitoring the effectiveness of any chemical treatment used by the system.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)	
Description:	Failure to securely install all water system electrical wiring in compliance with a local or national electrical code.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121(b)(6)	
Description:	Failure to include in the Monitoring Plan the triggered raw water well sampling for coliform monitoring.	
2	Date: 07/30/2014 (1172595) CN600679922	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)	
Description:	Failure to ensure a wellhead is sealed by a gasket or sealing compound.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(5)	
Description:	Failure to provide two required flow measuring devices.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(4)(B)	
Description:	Failure to install cylinders of gas chlorine in a place where they will be protected from adverse weather conditions.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)	
Description:	Failure to provide an overflow pipe for a potable water storage tank.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)	
Description:	Failure to ensure a cover for the end of the overflow pipe fits tightly with no gap over 1/16 inch.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(6) 30 TAC Chapter 290, SubChapter D 290.43(d)(7)	
Description:	Failure to maintain some of the water storage facilities in a watertight condition.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(d)(2)(B)	
Description:	Failure to base the disinfection contact time reported on the Surface Water Monthly Operating Report (SWMOR) on the approved Contact Time (CT) Study.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)	
Description:	Failure to maintain an up-to-date monitoring plan.	

- 3\* Date: 06/15/2015 (1300768) CN600679922  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 Description: TTHM LRAA MCL 2Q2015 - During the second quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.096 mg/L at N of 306 on Old Paint (DBP2-02) and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.107 mg/L at Sample Sta (DBP2-01).
- 4 Date: 10/16/2015 (1300768) CN600679922  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 Description: TTHM LRAA MCL 3Q2015 - During the third quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.154 mg/L at Sample Sta (DBP2-01) and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.146 mg/L at N of 306 on Old Paint (DBP2-02).
- 5 Date: 12/09/2015 (1288135) CN600679922  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)  
 Description: Failure to maintain a minimum pressure requirement of 35 psi throughout the distribution system under normal operating conditions.
- 6 Date: 12/15/2015 (1300768) CN600679922  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 Description: TTHM LRAA MCL 4Q2015 - During the fourth quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.202 mg/L at Sample Sta (DBP2-01) and violated the maximum contaminant level for trihalomethanes with a LRAA of 0.188 mg/L at N of 306 on Old Paint (DBP2-02).

\* NOV's applicable for the Compliance History rating period 9/1/2010 to 8/31/2015

## Appendix B

### All Investigations Conducted During Component Period March 25, 2011 and March 25, 2016

Item 1	July 29, 2011**	(922064)
Item 2	September 19, 2011**	(955993)
Item 3	February 11, 2013**	(1056860)
Item 4	July 30, 2014**	(1172595)
Item 5	September 09, 2014**	(1192710)
Item 6	October 01, 2014**	(1196812)
Item 7	January 07, 2015**	(1215657)
Item 8	June 17, 2015**	(1253586)
Item 9	December 22, 2015	(1300768)
Item 10	December 30, 2015	(1300953)
Item 11	February 19, 2016	(1305317)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2010 and 08/31/2015.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MILLERSVIEW-DOOLE WATER  
SUPPLY CORPORATION  
RN101457786**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2016-0286-PWS-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Millersview-Doole Water Supply Corporation (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located at 13841 Farm-to-Market Road 1929 East near Millersview, Concho County, Texas (the "Facility") that has approximately 1,713 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted from December 14, 2015 through December 30, 2015, an investigator documented that the locational running annual average concentrations for total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts ("DBP2") Site 1 for the second, third, and fourth quarters of 2015 were 0.107 milligrams per liter ("mg/L"), 0.154 mg/L, and 0.202 mg/L, respectively, and for DBP2 Site 2 for the second, third, and fourth quarters of 2015 were 0.096 mg/L, 0.146 mg/L, and 0.188 mg/L, respectively.

## II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess a penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$702 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the \$702 administrative penalty.

## III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Millersview-Doole Water Supply Corporation, Docket No. 2016-0286-PWS-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
  - a. Within 365 days after the effective date of this Order, return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.

- b. Within 380 days after the effective date of this Order, submit written certification of compliance with Ordering Provision No. 2.a, in accordance with Ordering Provision No. 2.c below.
- c. The written certification of compliance required by Ordering Provision No. 2.b shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- 3. All relief not expressly granted in this Order is denied.
- 4. The provisions of this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Ramon Manrique Jr

8/19/16

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Cody Giddens

3/30/16

Signature

Date

Cody Giddens

GM

Name (Printed or typed)

Title

Authorized Representative of

Millersview-Doole Water Supply Corporation

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Order.

☐ If mailing address has changed, please check this box and provide the new address below: